

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 DEC 19 PM 3:41

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D.C. TENNESSEE

UNITED STATES OF AMERICA

*

Plaintiff,

*

v.

*

Cr. No. 05-20177-Ma

ELISHAH MOODY,

*

Defendant.

*

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PRELIMINARY ORDER OF FORFEITURE

In Indictment Number 05-20177-Ma, the United States sought forfeiture of specific property of defendant Elishah Moody pursuant to 21 U.S.C. §853. On December 6, 2005, the defendant entered a guilty plea to Count 1 of the indictment, which charged the defendant with conspiracy to distribute controlled substances, in violation of 21 U.S.C. §846, and Counts 1 and 2 of an information, which charged him with money laundering in violation of 18 U.S.C. §1957. The defendant also agreed not to contest the forfeiture of certain assets.

Accordingly, it is **ORDERED**:

1. Based upon the defendant's guilty plea and agreement not to contest forfeiture, the United States is authorized to seize the following property belonging to defendant Elishah Moody ("the Subject Property") and his interest in it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. §853(n) and Rule 32(d)(2) of the Federal Rules of Criminal Procedure:

- a. The following real property:
 - 1) One parcel of real property located at Lot 11, Grove Plantation, Evans County, Claxton, GA 30417, with all appurtenances, attachments and improvements thereon;
 - 2) One parcel of real property located at Lot 12, Grove Plantation, Evans County, Claxton, GA 30417, with all appurtenances, attachments and improvements thereon
 - 3) One parcel of real property located at 6600 Old Squaw Cove, Memphis, TN 38115, with all appurtenances, attachments and improvements thereon
- b. The following vehicles and boat:
 - 1) One 2001 Georgie Boy Pursuit, VIN 1FCMF53S210A06992, with all appurtenances and attachments thereon;
 - 2) One 2003 Ford F-350, VIN 1FTWW32P83E017780, with all appurtenances and attachments thereon;
 - 3) One Yamaha Big Bear ATV, VIN 5YAH06W8YA013357, with all appurtenances and attachments thereon;
 - 4) One Yamaha Foreman Rubicon ATV, VIN 4181E2608241309, with all appurtenances and attachments thereon;
 - 5) One 1999 Allison boat, hull number ALTX356B99, with Boatmate trailer and all appurtenances and attachments thereon;
 - 6) One 1957 Pontiac Super Chief, VIN A757H18445, with all appurtenances and attachments thereon.

- c. Twenty-three thousand five hundred dollars (\$23,500.00) in U.S. currency seized from 6600 Old Squaw Cove, Memphis, Tennessee.

2. The Subject Property is to be held by the United States Marshal in his secure custody, or, as may be necessary, the Attorney General may appoint a substitute custodian.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States Marshal shall publish at least once a week for three successive weeks in a newspaper of general circulation in Shelby County, Tennessee, notice of this order, notice of the United States' intent to dispose of the Subject Property in such manner as the Attorney General or his delegate may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. The United States Marshal or his delegate may use the attached Legal Notice.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

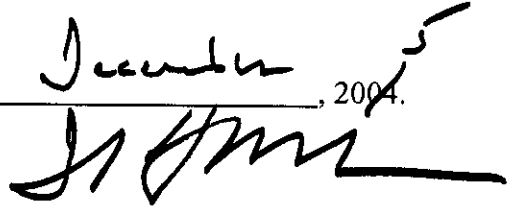
4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

5. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

6. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

7. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED this 19th day of December, 2004.




SAMUEL H. MAYS, JR.
United States District Judge

PRESENTED BY:

LAWRENCE J. LAURENZI
Acting United States Attorney

By:



CHRISTOPHER E. COTTEN
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA

*

Plaintiff,

*

v.

*

Cr. No. 05-20177-Ma

ELISHAH MOODY,

*

Defendant.

*

*

LEGAL NOTICE

Take notice that on _____, the United States District Court for the Western District of Tennessee, Western Division, entered a Preliminary Order of Forfeiture ordering that all right, title and interest of the defendant Elishah Moody in the following property be forfeited to the United States to be disposed of in accordance with law:

a. The following real property:

- 1) One parcel of real property located at Lot 11, Grove Plantation, Evans County, Claxton, GA 30417, with all appurtenances, attachments and improvements thereon;
- 2) One parcel of real property located at Lot 12, Grove Plantation, Evans County, Claxton, GA 30417, with all appurtenances, attachments and improvements thereon
- 3) One parcel of real property located at 6600 Old Squaw Cove, Memphis, TN 38115, with all appurtenances, attachments and improvements thereon

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- c. Twenty-three thousand five hundred dollars (\$23,500.00) in U.S. currency seized from 6600 Old Squaw Cove, Memphis, Tennessee.

The United States intends to dispose of this property in such matter as the Attorney General or his delegate may direct. Any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of this notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and relief sought.



Notice of Distribution

This notice confirms a copy of the document docketed as number 183 in case 2:05-CR-20177 was distributed by fax, mail, or direct printing on December 20, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT